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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BARBARA HERPOLSHEIMER, as Special
Administratrix to the Estate of BERT WEAVER,

Plaintiff,

vs.

MARQUIS COMPANIES I, INC., a Foreign
Corporation, dba MARQUIS PLAZA REGENCY
and/or MARQUIS PLAZA REGENCY POST
ACUTE REHAB and/or MARQUIS CARE AT
PLAZA REGENCY; DIRECT SUPPLY, INC., a
Foreign Corporation; INVACARE
CORPORATION, a Foreign Corporation; ROE
RETAILER; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

MARQUIS COMPANIES I, INC., a Foreign
Corporation, dba MARQUIS PLAZA REGENCY,

Cross-Claimant,

vs.

INVACARE CORPORATION, a Foreign
Corporation,

Cross-Defendant.

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Case No.: 2:21-cv-00659-RFB-EJY

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINE FOR LIMITED PURPOSE
OF CONDUCTING THE DEPOSITION
OF DEFENDANT MARQUIS
COMPANIES I, INC.'S FRCP 30(b)(6)
WITNESS(ES) AND TO
CORRESPONDINGLY EXTEND
REMAINING CASE DEADLINES

1 Plaintiff, BARBARA HERPOLSHEIMER, as Special Administratrix to the Estate of
2 BERT WEAVER (hereinafter "Plaintiff"), Defendant, MARQUIS COMPANIES I, INC.
3 (hereinafter "Marquis"), Defendant, INVACARE CORPORATION (hereinafter "Invacare"), and
4 Defendant, DIRECT SUPPLY, INC. (hereinafter "Direct Supply"), by and through their
5 respective counsel of record, do hereby stipulate to 1) extend the September 30, 2022 discovery
6 cutoff date (*see* ECF No. 39) for the limited purpose of conducting the deposition of the Fed. R.
7 Civ. P. 30(b)(6) witness(es) for Marquis, and 2) correspondingly extend the remaining deadlines
8 for filing dispositive motions and submitting the proposed joint pre-trial order. This stipulation
9 does not affect the parties' current deadline of September 30 to complete all other discovery aside
10 from the Rule 30(b)(6) deposition of Marquis. The present stipulation is submitted for the
11 following reasons:
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- 14 1. On July 7, 2022, counsel for Plaintiff reached out to counsel for Marquis to obtain
15 dates on which to depose the Fed. R. Civ. P. 30(b)(6) witness(es) for Marquis, at which
16 time a list of proposed deposition topics was also provided to counsel for Marquis.
- 17 2. On July 11, 2022, counsel for Marquis reached out to schedule a meet and confer to
18 discuss Marquis' tentative objections to Plaintiff's proposed topics.
- 19 3. On July 22, 2022, all parties participated in a meet and confer during which some
20 topics were agreed to; however, there was still some dispute as to others.
- 21 4. As the parties were unable to come to a consensus relative to the deposition topics, on
22 August 24, 2022, counsel for Plaintiff served a Notice of Deposition of Marquis' Fed.
23 R. Civ. P. 30(b)(6) witness(es) and included a revised list of topics based upon the
24 parties' previous discussions. The deposition was scheduled for September 9, 2022, at
25 10:00 a.m.
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- 1 5. On August 31, 2022, Marquis filed a Motion for Protective Order with regard to the
- 2 deposition. Plaintiff's response to the motion is due on September 14, 2022.
- 3 6. Given that a ruling on Marquis' motion will not be rendered prior to the September 9th
- 4 date of deposition and, likely, not before the discovery cutoff date of September 30,
- 5 2022, the parties have agreed to extend the discovery cutoff date, as described above,
- 6 for the limited purpose of conducting the deposition of Marquis' Fed. R. Civ. P.
- 7 30(b)(6) witness(es).
- 8 7. The parties request thirty (30) days from the date on which the Court rules on Marquis'
- 9 Motion for Protective Order to conduct the deposition.
- 10 8. To ensure that the deposition of Marquis is completed **before** the deadline for the
- 11 parties to file dispositive motions, the parties correspondingly request that the deadline
- 12 to file dispositive motions be set as sixty (60) days from the date on which the Court
- 13 rules on Marquis' Motion for Protective Order.
- 14 9. To ensure that the deposition of Marquis is completed **before** the deadline for the
- 15 parties to submit the proposed joint pre-trial order, the parties correspondingly request
- 16 that the deadline to submit the proposed joint pre-trial order be set as ninety (90) days
- 17 from the date on which the Court rules on Marquis' Motion for Protective Order.
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If this extension is granted, all anticipated additional discovery should be concluded within deadlines as set forth above. The parties represent that this request for extension of discovery cutoff date is made by the parties in good faith and not for the purpose of delay.

Dated this 9th day of September, 2022.

Dated this 9th day of September, 2022.

HENNESS & HAIGHT

BOWMAN AND BROOKE LLP

/s/ STEPHEN J. MENDENHALL, ESQ.

/s/ CHARLES M. SEBY, ESQ.

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*INVACARE CORPORATION and DIRECT
SUPPLY, INC.*

Dated this 9th day of September, 2022.

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Attorneys for Defendant

MARQUIS COMPANIES I, INC

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: September 12, 2022